

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TIMOTHY J. CUNNINGHAM, SR.,)
vs.)
Plaintiff,)
JOHN DOES 13-18 and LAWRENCE)
CORRECTION CENTER WARDEN,)
Defendants.) Case No. 17-CV-124-SMY-RJD

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Reona J. Daly (Doc. 24), recommending the denial of Defendant's Motion to Dismiss as a Sanction for Failure to Disclose Litigation History (Doc. 18). No objections have been filed to the Report. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(2); SDIL-LR 73.1(b). For the following reasons, Judge Daly's Report and Recommendation is **ADOPTED**.

When neither timely nor specific objections to a Report and Recommendation are made, the Court need not conduct a *de novo* review of the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court reviews the R&R for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Here, Judge Daly thoroughly discussed and supported her conclusion that Plaintiff's failure to disclose his litigation history was not in bad faith and that Defendant has not been

prejudiced by Plaintiff's omission. The Court finds no clear error in Judge Daly's findings, analysis or conclusions, and adopts her Report and Recommendation in its entirety. Accordingly, Defendant's Motion to Dismiss (Doc. 18) is **DENIED**.

IT IS SO ORDERED.

DATED: November 5, 2018

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge